

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:

LeClairRyan PLLC,¹

Debtor

Case No.

19-34574-KRH

Chapter

7

**TRUSTEE’S LIMITED OBJECTION TO MOTION REQUESTING AUTHORIZATION
TO SEAL FINAL APPLICATION OF FOLEY & LARDNER LLP, AS SPECIAL
COUNSEL TO THE TRUSTEE, FOR APPROVAL AND ALLOWANCE OF
COMPENSATION AND REIMBURSEMENT OF EXPENSES INCURRED FOR
THE PERIOD FROM JANUARY 30, 2020 THROUGH JULY 31, 2023**

Lynn L. Tavenner, Trustee, and not individually but solely in her capacity as the Chapter 7 trustee (in such capacity, the “**Chapter 7 Trustee**” and/or the “**Trustee**”) of the bankruptcy estate (the “**Estate**”) of LeClairRyan PLLC (“**LeClairRyan**” and/or the “**Debtor**”), in the above-referenced Chapter 7 case (the “**Case**”) hereby files this limited objection (the “**Objection**”) to the *Motion Requesting Authorization to Seal Final Application of Foley & Lardner LLP, as Special Counsel to the Trustee, for Approval and Allowance of Compensation and Reimbursement of Expenses Incurred for the Period from January 30, 2020 through July 31, 2023*, ECF No. 1958, (the “**Sealing Motion**”) and, in support thereof, states as follows:

In its Sealing Motion, Foley & Lardner LLP (“**Foley**”) seeks to file under seal its *Final*

¹ The principal address of the Debtor as of the petition date was 4405 Cox Road, Glen Allen, Virginia 23060, and the last four digits of the Debtor’s federal tax identification number are 2451.

Application For Compensation of Fees and Expenses of Foley & Lardner LLP as Special Counsel to the Trustee, For Approval and Allowance of Compensation and Reimbursement of Expenses Incurred For the Period From January 30, 2020 Through July 31, 2023, ECF No. 1960, (the “**Foley Final Fee Application**” and/or the “**Application**”) on the basis that the Application contains factual information related to an action against ULX Partners, LLC and UnitedLex Corporation (collectively, the “**ULX Entities**”) and a related settlement (the “**ULX Settlement**”).

The Trustee appreciates the precautions that Foley has taken as well as Foley’s desire to comply with this Court’s order of August 26, 2022, ECF No. 1562 (the “**ULX Sealing Order**”), which required that certain items related to the ULX Settlement remain under seal. Specifically, this Court required that scandalous and confidential mediation subject matter remain sealed. However, pursuant to the ULX Sealing Order, other items were unsealed given that the same contained neither scandalous nor confidential mediation subject matter. In fact, pursuant to the ULX Sealing Order, Foley’s objection to the ULX Settlement, and all exhibits thereto, were unsealed, as was the *Supplemental Declaration of Lynn L. Tavenner, Trustee*, ECF No. 1387.

Having reviewed the Foley Final Fee Application, the Trustee is unclear as to what, if any, of it would be covered by this Court’s ULX Sealing Order as being either scandalous or confidential mediation subject matter. The Trustee appreciates that there is a strong presumption and public policy in favor of public access to court records. The Trustee desires a policy of open inspection that is fundamental to the bankruptcy system to avoid the suggestion of impropriety. As such, to the extent the Application contains neither scandalous nor confidential mediation subject matter, the Trustee desires for the same to be filed on this Court’s docket with public

access to the same.²

WHEREFORE, the Trustee objects to Foley's Sealing Motion to the extent the Foley Final Fee Application contains neither scandalous nor confidential mediation subject matter as determined by this Court. .

Respectfully submitted,

LYNN L. TAVENNER, CHAPTER 7 TRUSTEE

Dated: September 18, 2023
Richmond, Virginia

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of September, 2023, a copy of the forgoing was served via electronic delivery and/or first class mail on the following: (a) the Office of the United States Trustee; (b) the Debtor's 20 Largest Unsecured Creditors; (c) all known secured creditors from the Debtor's Official Form 106D; (d) the Core Parties and 2002 List as defined in the Case Management Order; and (e) all parties requesting service of pleadings in this Case (as indicated on the Schedule A attached to the Court filed copy).

/s/ Paula S. Beran, Esquire
Counsel for Lynn L. Tavenner, Chapter 7 Trustee

² The Trustee would request that Foley redact in its time records any item that if disclosed would arguably constitute a waiver of the attorney/client privilege.

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